

Court of Appeals, State of Michigan

ORDER

Sandra Gillette v Providence Hospital and Medical Centers Inc

Deborah A. Servitto
Presiding Judge

Docket No. 304025

Kathleen Jansen

LC No. 2010-109382-NH

Pat M. Donoffio
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to waive the filing of the motion hearing transcript is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2) the Court orders that the Oakland Circuit Court's May 11, 2011 order granting plaintiff's motion to compel depositions of fact witnesses and full and complete copies of policies of insurance for defendant, Providence Hospital and adjournment of case evaluation is VACATED IN PART as follows. The circuit court's May 11, 2011 order is VACATED to the extent it compels defendants to produce any and all trust documents related to defendant Providence Hospital and Medical Centers, Inc.'s program of self-insurance. The self-insured trust is not an "insurance agreement," nor is defendant hospital a "person carrying on an insurance business," so the trust documents are not subject to discovery under MCR 2.302(B)(2). Plaintiff is not entitled to pre-judgment discovery of defendant hospital's self-insured trust fund in order to assist plaintiff in negotiating a settlement of her claim, since such information is neither relevant nor likely to lead to admissible evidence under MCR 2.302(B)(1). *Bauroth v Hammoud*, 465 Mich 375; 632 NW2d 496 (2001). This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.

Deborah A. Servitto

Presiding Judge



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY 23 2011

Date

Larry S. Royster
Chief Clerk

Exhibit "B"